

REMARKS

Claim 10 has been amended to delete hydrates, solvates and crystal forms and to define the included prodrug form specifically. Support for the definition of “prodrug form” is found on page 26, lines 25-28. Similar amendments with respect to hydrates, solvates and crystal forms and the prodrug form have been made to claims 11, 12 and 25, the only claims that contain these features. In addition, the definition of R^2 has been amended to delete “OC₁₋₆alkyl” and some minor typographical errors have been corrected. Also deleted from claim 10 is the embodiment of W which is “H”. Also, “optionally substituted” has been removed from the description of 3-8 membered rings in claims 10 and 24.

In addition, the amendments kindly suggested by the Examiner to claims 23 and 24 have been made. No new matter has been added and entry of the amendment is respectfully requested.

Priority to AU2003906680

The Office objects to the definition of R^2 as no longer coextensive with that of AU2003906680. Claim 10 has been amended to delete the only embodiment of R^2 that was not supported in the priority document — “OC₁₋₆alkyl”. The definition of R^2 now reads exactly as does the definition of page 13 of the priority document at lines 16-19. All of the remaining claims depend ultimately from claim 10 and are thus so limited. Accordingly, priority is now properly claimed.

Restriction / Election of Species

Applicants hereby confirm their election of the species set forth on page 3 of the Office action; claims 10, 12, 14 and 22-28 read on the elected species.

Title

The title has been changed in accordance with the Examiner's request.

Claim Objections

Claims 23 and 24 have been amended as suggested by the Examiner in order to overcome this objection.

Written Description

Claims 10, 14, 23 and 26 were rejected as failing to comply with the written description requirement.

Applicants are well aware of the prohibition against new matter. The Examiner suggests removing "when W is absent" from the claim, which applicants have done, since it is inherent in the structural requirements of the chemical compounds that Q cannot be a bond when W is present. Applicants assume that claims 14, 23 and 26 were included in this rejection simply because they are dependent on claim 10. Accordingly, this basis for rejection may be withdrawn.

Enablement

Claims 10-12, 14 and 21-28 were rejected as lacking enablement because of the inclusion of "prodrugs, hydrates, solvates and/or crystal forms." All of these have been removed except for a single prodrug form which is tightly defined. Support for this definition of a prodrug form is found in the specification on page 26 at lines 25-28. Since the nature of the prodrug has been specifically defined and is inherently reasonable, it is believed this basis for rejection has been overcome.

35 U.S.C. § 112, Paragraph Two

Claims 10, 14, 23, 24, 26 and 27 were rejected under this paragraph. The sole basis for the rejection is the presence of the phrase “optionally substituted” in connection with a 3-8 membered ring. This has been deleted from the claims thus obviating this rejection.

Rejection for Anticipation

Claims 10 and 14 were rejected under 35 U.S.C. § 102(b) as assertedly anticipated by Ding, *et al.*, WO03/031406.

It is believed that the amendment to the claims is dispositive of this rejection. The compound identified on pages 12-13 of the Office action as disclosed by Ding no longer falls within the scope of the claims since R^2 can no longer be $OC_{1-6}alkyl$ (*i.e.*, cannot be OCH_3). R^3 and R^4 are defined as including OCH_3 ; however, since R^2 cannot be H, the compound shown at the bottom of page 12 of the Office action cannot result.

In addition, in the compound shown reproduced from Ding, W is H, which possibility has now been deleted from the claims.

Since all of the claims now depend from claim 10, all are novel over the cited document.

Conclusion

The claims have been amended to overcome all outstanding bases for rejection. Accordingly, applicants believe claims 10-12, 14 and 21-28 are in a position for allowance and passage of these claims to issue is respectfully requested. Applicants also request that claims 15-20 be rejoined in accordance with MPEP § 821.04(b) and passed to allowance as well.

